

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SPIROS VALENTIS

Plaintiff,

-against-

BROOKLYN SOCIETY FOR THE PREVENTION OF  
CRUELTY TO CHILDREN (BSPCC); BSPCC  
FOUNTAIN LTD.; ANN BINDMAN; RICHARD  
ARKWRIGHT; GEORGE SPANAKOS; LOWEL RUBIN;  
JAMES HAMERSCHLAG; and MARY J. MITCHEL,

Defendants.  
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08-CV-2741 (ARR)

NOT FOR PRINT OR  
ELECTRONIC  
PUBLICATION

ORDER

ROSS, United States District Judge:

On December 14, 2009, Magistrate Judge Lois Bloom issued a report and recommendation recommending that this action be dismissed. (Dkt. No. 35.) Magistrate Judge Bloom reasoned that plaintiff died on December 11, 2008 and despite a court order notifying plaintiff's successor or representative that she must move to substitute herself on behalf of the plaintiff pursuant to Fed. R. Civ. P. 25(a)(1) by November 25, 2009, plaintiff's successor had failed to comply. (Dkt. No. 35.) On December 29, 2009, after receiving an affidavit from Isabel D. Pascale, the Executor of plaintiff Spiros Valentis, I issued an order adjourning consideration of Magistrate Judge Bloom's Report and Recommendation for a period of thirty days to permit the parties an opportunity to file a stipulation of discontinuance with the court. (Dkt. No. 37.) The court's December 29, 2009 order was mailed to plaintiff's address on file with the court. That mailing was returned as undeliverable. The court will adjourn consideration of Judge Bloom's Report and Recommendation for an additional period of fourteen (14) days, until

February 17, 2010, to permit the parties to file a stipulation of discontinuance. This order is being sent to Executor Isabel D. Pascale's address.

SO ORDERED.

/Signed by Judge Ross/

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Allyne R. Ross  
United States District Judge

Dated: February 3, 2010  
Brooklyn, New York

SERVICE LIST:

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Executor for Spiros Valentis  
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cc: Magistrate Judge Lois Bloom